REMARKS[1]

In the Office Action, the Examiner rejected claims 1-5, 10, 15, 20, 25, and 26 under 35 U.S.C. § 102(e)[2] as being anticipated by U.S. Patent No. 7,325,246 to Halasz et al. (*Halasz*); and rejected claims 6-9, 11-14, 16-19, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over *Halasz* in view of U.S. Patent No. 6,853,729 to Mizikovsky et al. (*Mizikovsky*).

No claims are amended herein. Claims 1-26 remain pending in this application.

I. Rejection Under 35 U.S.C. § 102(e)

Applicant respectfully traverses the rejection of claims 1-5, 10, 15, 20, 25, and 26 as being anticipated by *Halasz*. In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." *See* MPEP § 2131, 8th Ed., Rev. 7 (July 2008). *Halasz* cannot anticipate claims 1-5, 10, 15, 20, 25, and 26 because *Halasz* fails to disclose each and every element recited in the claims.

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[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

[2] At page 4 of the Office Action, the Examiner indicates that claims 1-5, 10, 15, 25, and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Halasz*. However, because *Halasz* was published after Applicant's filing date, it cannot constitute prior art under 35 U.S.C. § 102(b) or § 102(a). *Halasz*, by virtue of its filing date, can only be applied as prior art under 35 U.S.C. § 102(e).

For example, *Halasz* does not disclose a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "sending [by an authentication device] ... a message comprising ACCESS_ACCEPT information to said mobile host" and "said key-related information M1 is used to obtain a key by the AP, said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile host," recited in claim 1.

In the Office Action, the Examiner interprets an authentication response message sent from the authentication server of *Halasz* as corresponding to Applicant's claimed "message containing ACCESS_ACCEPT information." Even assuming that the Examiner's interpretation could be considered to be correct, which Applicant does not concede, *Halasz* does not disclose that the authentication response message is sent to a mobile host. *Halasz* discloses "[where] the AS 106 generates a session key, and sends the key and authorization state to the AP 102 ... [i]n a function block 312, the AP 102 then notifies the switch 100 (with packet traffic signed by the message authentication check key) that authentication state of the client 104 was successful" (col. 6, lines 32-42), and "[t]he authentication server 106 informs the AP 102, which depending upon the outcome, either allows traffic, or discards traffic coming from the wireless client 104 ... [i]f the wireless client 104 is authorized, the AP 102 informs the switch 100 that the wireless client 104 MAC address is authorized" (col. 4, lines 58-64). That is, *Halasz* discloses that the authentication server sends the authentication response message to the AP, and the AP forwards it to the switch. However, *Halasz* does not disclose that the authentication response message is sent to the wireless client 104. Accordingly, even if the authentication response message and the wireless

client 104 of *Halasz* could reasonably be construed as respectively corresponding to Applicant's claimed "message containing ACCESS_ACCEPT information" and "mobile host," *Halasz* still fails to disclose a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "sending [by an authentication device] ... a message comprising ACCESS_ACCEPT information to said mobile host," as recited in claim 1 (emphasis added).

Moreover, *Halasz* discloses "[i]f authentication is successful, flow is out the 'Y' path of decision block 306 to a function block 310 where the AS 106 generates a session key, and sends the key and authorization state to the AP 102." *Halasz*, col. 6, lines 39-43. That is, *Halasz* merely discloses sending a key from the authentication server 106 to the access point 102. In contrast, claim 1 recites a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "said key-related information M1 is used to obtain a key by the AP, said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile host."

Furthermore, *Halasz* discloses "a session key is derived for the wireless client 104 in the same manner as for the AP 102 during its authentication process through the switch 100 to the AS 106." *Halasz*, col. 4, lines 25-31. That is, the key the wireless client of *Halasz* obtained was also sent from the AS 106 in the same manner like the AP 102. Claim 1, on the other hand, recites a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "sending [by an authentication device] ... a message comprising ACCESS_ACCEPT information to said mobile host" and "said key-related information M1 is used to obtain a key by the AP, said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile

host." That is, a manner of obtaining a key by the claimed "mobile host" is different from the manner of obtaining a key by the claimed "AP" Halasz, however, discloses that the wireless client 104 and the AP 106 obtain the key using the same manner.

Finally, claim 1 recites a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "obtain[ing] a key by the AP", and "obtain[ing] the key by the mobile host" (emphasis added). That is, the key obtained by the AP and the key obtained by the mobile host are the same key. *Halasz*, on the other hand, does not disclose that the AP 102 and the wireless client 104 receive the same key. Rather, *Halasz* discloses that a first session key is sent to AP 102, and then a second session key, derived in a same manner as the first session key, is sent to the wireless client 104. Accordingly, *Halasz* also fails to disclose a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "obtain[ing] a key by the AP," and "obtain[ing] the key by the mobile host," as recited in claim 1 (emphasis added).

For at least the foregoing reasons, claim 1 should be allowable over *Halasz*. Claims 25 and 26, although of different scope, recite elements similar to those recited in claim 1, and should be allowable over *Halasz* for at least the same reasons as claim 1. Moreover, claims 2-5, 10, 15, and 20 should be allowable at least due to their dependence from claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-5, 10, 15, 20, 25, and 26 under 35 U.S.C. § 102(e).

II. Claim Rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejections of claims 6-9, 11-14, 16-19, and 21-24 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness is established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. MPEP § 2142.

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." MPEP § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141(III).

In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the burden thus remains with the Examiner, as the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Claims 6-9, 11-14, 16-19, and 21-24 depend from claim 1, and thus require all of the elements recited in claim 1. As discussed above, *Halasz* does not disclose, teach, or suggest a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "sending [by an authentication device] ... a message comprising ACCESS_ACCEPT information to said mobile host" and "said key-related information M1 is used to obtain a key by the AP, said message comprising the

ACCESS_ACCEPT information is used to obtain the key by the mobile host," recited in claim 1, and required by claims 6-9, 11-14, 16-19, and 21-24 (emphasis added). *Mizikovsky* fails to cure the deficiencies of *Halasz*.

Mizikovsky generally discloses "[a] system for updating a communications key(s) performs an authentication(s) of the unit and/or of the communications system using an update key," wherein "[b]y using the update key to perform the authentication(s), the key update system can reduce communications between a home communications system and a visiting communications system by sending the update key to the visiting communications system while maintaining the communications key at the home communication system." *Mizikovsky*, abstract. *Mizikovsky* further discloses "[w]hen performing an update of a communications key SSD, the communications system creates a RANDSSD sequence which is provided to the unit 64," and "[t]he communications system 65 calculates a new communications key SSD-NEW by taking the output of a cryptographic function 67 (F0) using the sequence RANDSSD and the secret key A-key as inputs." *Id.*, at col. 8, lines 7-20. *Miyazaki*, however, provides no disclosure or suggestion of a method for distributing encryption keys in a Wireless Local Area Network (WLAN) including, *inter alia*, "sending [by an authentication device] ... a message comprising ACCESS_ACCEPT information to said mobile host" and "said key-related information M1 is used to obtain a key by the AP, said message comprising the ACCESS_ACCEPT information is used to obtain the key by the mobile host," recited in claim 1, and required by claims 6-9, 11-14, 16-19, and 21-24 (emphasis added).

As explained above, the elements recited in claim 1 and required by claims 6-9, 11-14, 16-19, and 21-24 are neither taught nor suggested by the applied references.

Nor has the Examiner explained how teachings of the references could have been modified to achieve the claimed combination. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in the art in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for claims 1, 6-9, 11-14, 16-19, and 21-24.

For at least the above reasons, claims 6-9, 11-14, 16-19, and 21-24 should be allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-9, 11-14, 16-19, and 21-24 under 35 U.S.C. § 103(a).

IV. Conclusion

This Request for Reconsideration does not include any claim amendments, and thus should allow for immediate action by the Examiner. In view of the foregoing remarks, Applicants respectfully submit that the pending claims are not anticipated or rendered obvious by the applied references. Accordingly, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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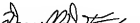
By: 
Darrell D. Kinder, Jr.
Reg. No. 57,460
(650) 849-6600